

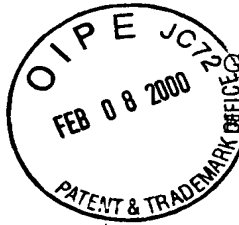
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of  
HUANG et al.

Application No.: 08/882,499

Filed: June 25, 1997

For: COMPOUNDS FOR THE SUPPRESSION . . .



Group Art Unit: 1651

Examiner: Marx

\* \* \* \* \*

DECLARATION UNDER RULE 131

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

I, Ru-chih Huang, do hereby declare and state:

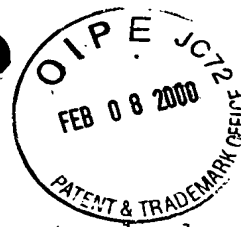
1. I am an inventor on Patent Application No. 08/882,499, and I am familiar with the specification and prosecution history, including the Office Action issued September 24, 1999.

2. In the September 24, 1999 Office Action, the Examiner rejected pending claims 5-7 as being anticipated by U.S. Patent No. 5,837,252 issued to Sinnott et al. on November 17, 1998. The Sinnott et al. patent was filed on October 7, 1996.

3. The invention described and claimed in Application No. 08/882,499 was made prior to October 7, 1996, as evidenced by the attached pages of laboratory notebooks dated prior to October 7, 1996. The notebook pages were recorded in Chinese. A typed English translation is attached as Tables 1 and 2.

4. The data in Table 1 shows inhibition of Herpes Simplex Virus 1 ("HSV-1") by M<sub>4</sub>N ("4-N"). For example, at concentrations of 7.8 µg/ml or lower, while HSV-1 production

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was found to be 60% or more inhibited by the standard cytopathic effect (CPE) reduction assay, there was no inhibition of cell growth at these drug concentrations (comparing column 4 to column 7). The 50% cell toxicity by M<sub>4</sub>N (4-N) was found to be 83 µg/ml while the 50% inhibition of HSV-1 by M<sub>4</sub>N (4-N) was found to be less than 0.98 µg/ml (comparing column 5 to column 8). This value of IC<sub>50</sub> for M<sub>4</sub>N (4-N) was comparable to that of acyclovir (ACV), a drug which is commonly used against herpes simplex viruses (Table 2). Thus, the data show suppression of viral growth by M<sub>4</sub>N.

5. This work was carried out entirely under my direction and supervision by Dr. Hong Shan Chen and has since been published as part of a larger study (Chen et al., 1998, *J. Med. Chem.* 41:3001-3007).

6. I declare further that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the instant patent specification or any patent issuing thereon.

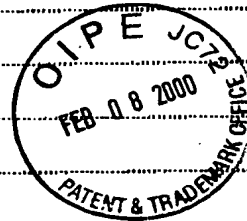
By R. C. Huang

Date Feb. 3 2000

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## 医药生物技术研究所

4N 与 Vero 304 电镜						96.1.5
5/18	32112-0.02 (直 1.570)	26.14%	T <sub>50</sub>			
1000	0.03 0.03 0.03 0.02	97.05	83.49/m1			
X ± SD	0.03 ± 0.01					
500	0.03 0.04 0.05 0.04	96.08				
	0.04 ± 0.01					
250	0.3 0.3 0.3 0.3	70.59				
	0.3 ± 0					
125	0.34 0.38 0.36 0.39	63.73				
	0.37 ± 0.02					
62.5	0.45 0.46 0.45 0.45	55.88				
	0.45 ± 0.01					
31.2	0.81 0.80 0.86 0.85	18.63				
	0.83 ± 0.03					
15.6	1.08 1.02 1.00 0.98	0	CC 1.02 1.03 1.00			
	1.02 ± 0.04		1.02 ± 0.02			
7.8	1.25 1.04 1.00 1.11	-0.08				
	1.1 ± 0.11		VL 0 0 0.0			
3.9	1.10 1.08 1.06 1.08	-0.06				
	1.08 ± 0.02					
1.95	1.10 1.20 1.22 1.00	-0.08				
	1.1 ± 0.1					
0.98	1.30 1.25 1.15 1.15	-0.18				
L605	1.2 ± 0.08					

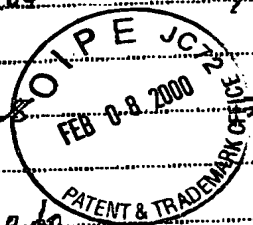


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4N HSV-I 抑制实验

9.6.6.25

浓度 (μg/ml)	OD值 (570nm)	抑制率 %	IC <sub>50</sub> (μg/ml)
1000	0.04 0.05 0.00 0.00 0.02 ± 0.03	92.86	40.98
500	0.05 0.11 0.07 0.04 0.07 ± 0.03	75.50	
250	0.30 0.26 0.20 0.18 0.27 ± 0.03	57	
125	0.57 0.45 0.63 0.60 0.56 ± 0.08	31.5	
62.5	0.52 0.49 0.68 0.66 0.59 ± 0.10	34.8	
31.3	0.92 0.84 0.79 0.87 0.85 ± 0.05	64.00	
15.6	0.75 0.92 0.68 0.92 0.81 ± 0.13	59.6	
7.8	0.74 0.79 0.96 1.03 0.88 ± 0.14	67.4	
3.9	0.79 1.07 0.83 0.76 0.86 ± 0.14	65.2	
1.95	0.78 0.85 0.81 0.76 0.80 ± 0.04	58.4	
0.98	0.83 0.73 0.80 0.83 0.80 ± 0.05	58.4	
0.0	1.13 1.22 1.18 1.15 1.17 ± 0.04		
UD L605	0.24 0.29 0.31 0.26 0.28 ± 0.03		



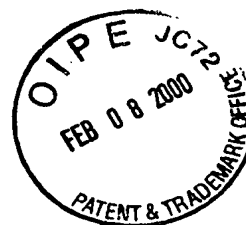
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ACN 7045 对 HSV-I 作用					96.6.25
浓度	OD值	抑制率 %			IC <sub>50</sub> 浓度
1000	0.70 0.53 0.57 0.62	37			40.98
	0.61 ± 0.07				
500	0.63 0.38 0.62 0.49	28.1			
	0.53 ± 0.12				
250	0.50 0.49 0.64 0.87	39.3			
	0.63 ± 0.18				
125	0.41 0.43 0.53 0.66	25.8			
	0.51 ± 0.11				
62.5	0.73 0.73 0.73 0.76	51.7			
	0.74 ± 0.02				
31.3	0.93 0.90 0.86 0.93	72.8			
	0.91 ± 0.03				
15.6	1.00 0.99 0.98 1.02	82.9			
	1.00 ± 0.02				
7.8	1.09 1.11 1.16 1.10	94.4			
	1.12 ± 0.03				
3.9	1.13 1.07 1.10 1.09	92.1			
	1.10 ± 0.03				
1.95	1.14 1.12 1.17 1.11	96.6			
	1.14 ± 0.03				
0.98	0.76 0.80 0.82 0.92	61.8			
	0.83 ± 0.07				
0.5	1.13 1.22 1.18 1.15				
	1.17 ± 0.04				
VC L605	0.24 0.29 0.31 0.26				
	0.28 ± 0.03				

实验者: 陈鸿珊 1983  
1986.6.25

1996.6.25, 给 周 法 查



C-4N Doc

Table 1. Cytotoxicity and inhibition of HSV-1 CPE by 4N in vero cell cultures

1996, 6-20-25

Agent	Conc. ug/ml	Cytotoxicity(OD570) X ± SD	Inhibition of cell growth %	TC50 ug/ml	HSV-1 CPE (OD570) X ± SD	Inhibition of HSV-1 CPE %	IC50 ng/ml
4-N	1000.00	0.03, 0.03, 0.03, 0.02 0.03 ± 0.01	97.05	83	0.04, 0.05, 0.00, 0.00 0.02 ± 0.03	-	<0.98
	500.00	0.03, 0.04, 0.05, 0.04 0.04 ± 0.01	96.08		0.05, 0.11, 0.07, 0.04 0.07 ± 0.03	-	
	250.00	0.30, 0.30, 0.30, 0.30 0.3 ± 0	70.59		0.30, 0.26, 0.22, 0.28 0.27 ± 0.03	-	
	125.00	0.34, 0.38, 0.36, 0.39 0.37 ± 0.02	63.73		0.57, 0.45, 0.62, 0.60 0.56 ± 0.08	31.5	
	62.50	0.45, 0.46, 0.45, 0.45 0.45 ± 0.01	55.88		0.52, 0.49, 0.68, 0.66 0.59 ± 0.10	34.8	
	31.30	0.81, 0.80, 0.86, 0.85 0.83 ± 0.03	18.63		0.90, 0.84, 0.79, 0.87 0.85 ± 0.05	64	
	15.60	1.08, 1.02, 1.00, 0.98 1.02 ± 0.04	0		0.72, 0.92, 0.68, 0.92 0.81 ± 0.13	59.6	
	7.80	1.25, 1.04, 1.00, 1.11 1.10 ± 0.11	-0.08		0.74, 0.79, 0.96, 1.03 0.88 ± 0.14	67.4	
	3.90	1.10, 1.08, 1.06, 1.08 1.08 ± 0.02	-0.06		0.79, 1.07, 0.83, 0.76 0.86 ± 0.14	65.2	
	1.95	1.10, 1.20, 1.22, 1.00 1.10 ± 0.1	-0.08		0.78, 0.85, 0.81, 0.76 0.80 ± 0.04	58.4	
	0.98	1.30, 1.25, 1.15, 1.15 1.20 ± 0.08	-0.18		0.83, 0.73, 0.80, 0.83 0.80 ± 0.05	58.4	
	CC	1.02, 1.03, 1.00, 1.04 1.02 ± 0.02			1.13, 1.22, 1.18, 1.15 1.17 ± 0.04		
	vc X ± SD				0.24, 0.29, 0.31, 0.26 0.28 ± 0.03		

Table 2. Inhibition of HSV-1 CPE by ACV on vero cell  
1996, 6, 20-25.

Agent	CONC. ug/ml	HSV-1 CPE(OD570)	Inhibition %	IC50 ug/ml
ACV	1000 X± SD	0.70,0.53,0.57,0.62 0.61± 0.07	37	<0.98
	500 X± SD	0.63,0.38,0.62,0.49 0.53± 0.12	28.1	
	250 X± SD	0.50,0.49,0.64,0.87 0.63± 0.18	39.3	
	125 X± SD	0.41,0.43,0.53,0.66 0.51± 0.11	25.8	
	62.5 X± SD	0.73,0.72,0.73,0.76 0.74± 0.02	51.7	
	31.3 X± SD	0.93,0.90,0.86,0.93 0.91± 0.03	70.8	
	15.6 X± SD	1.00,0.99,0.98,1.02 1.00± 0.02	80.9	
	7.8 X± SD	1.09,1.11,1.16,1.10 1.12± 0.03	94.4	
	3.9 X± SD	1.13,1.07,1.10,1.09 1.10± 0.03	92.1	
	1.95 X± SD	1.14,1.12,1.17,1.11 1.14± 0.03	96.6	
	0.98 X± SD	0.76,0.80,0.82,0.92 0.83± 0.07	61.8	
	CC X± SD	1.13,1.22,1.18,1.15 1.17± 0.04		
	VC X± SD	0.24,0.29,0.31,0.26 0.28± 0.03		